



FRANCIS ALEXANDER LLC

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JANUARY 12, 2015

THE HONORABLE PAUL S. DIAMOND  
United States District Judge  
United States District Courthouse  
601 Market Street  
Philadelphia, PA 19106  
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Re: **MARINO V. USHER ET AL. | 11-CV-6811**  
Plaintiff's Response Letter Regarding Protective Order

Dear Judge Diamond,

I write in response to Mr. Rogers's letter which was faxed to you earlier today. In short, Mr. Rogers requests clarification from the Court regarding how to handle the testimony and exhibits in submitting their brief regarding Mr. Marino's ability to pay the award of attorney's fees and costs.

Because Mr. Marino's deposition contains highly private and confidential testimony, records, and exhibits (e.g. tax returns and bank statements not only for himself but also his wife), it is Plaintiff's position that the testimony and exhibits should be filed under seal.

I share with Your Honor that I had just received a copy of the deposition late last week and I have not yet had the opportunity to file a protective motion. Plaintiff intends to file a protective motion on Friday, January 16, 2015.

Plaintiff respectfully asks that the Court instruct the parties to file Mr. Marino's deposition, records, and exhibits under seal, at least, until the Court has had the opportunity to receive Plaintiff's motion for protection order and has had an opportunity to first consider the motion and review the deposition under seal.

Respectfully, I am,

Francis Malofiy, Esquire

cc: *To all Counsel of Record*